

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice A.K.M. Rabiul Islam

02.07.2024

Mr. Mohammad Zeeshan Hyder, Advocate
....For the convict-appellant.

Mr. Sujit Chatterjee, D.A.G. with

Mr. Moududa Begum, A.A.G.

Mr. Mirza Md. Soyeb Muhit, A.A.G.

Mr. Mohammad Selim, A.A.G.

Mr. Zahid Ahmed (Hero), A.A.G.

....For the State

This is an application for bail in a pending appeal.

The convict-appellant has been convicted in Nari-O-Shishu Case No.2 of 2010 arising out of Birol Police Station Case No.07 dated 09.09.2009 corresponding to G.R. Case No.109 of 2009 convicting the appellant under section 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (amended 2003) and sentencing to suffer rigorous imprisonment for life and to pay a fine of Tk.50,000/- (fifty thousand).

Mr. Mohammad Zeeshan Hyder, learned Advocate for the convict-appellant Md. Mohosin Ali submits that victim Most. Rojina Khatun has already been married and she is leading a peaceful and happy life in the house of her husband. Minor child

Md. Forhad Hossain @ Sohrab was born out of above offence of rape. The appellant has admitted his paternity and agreed to provide maintenance to above child and above child shall also inherit the property of the appellant. In this connection the appellant has submitted a Supplementary Affidavit.

The appellant has already served out more than 9 (nine) years of above sentence.

Mr. Zahid Ahmed (Hero), learned Assistant Attorney General for the State submits that on the basis of the conditions set out in the Supplementary Affidavit the petitioner may be granted bail for a limited period subject to condition that the appellant shall continuously perform his obligations as he has stated in above Supplementary Affidavit.

We have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

On consideration of above materials on record we are inclined to grant bail to the convict-appellant.

As such, the application for bail is allowed.

Let convict-appellant Md. Mohosin Ali, son of Md. Mohoram Ali be enlarged on bail for a period of 6(six) months subject to condition that at the time further extension of above bail the appellant shall

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submit another Supplementary Affidavit ensuring the compliance of above conditions. If the appellant fails to comply with above conditions as set out in the Supplementary Affidavit above bail of the appellant shall not be further extended. The appellant shall also execute a bail bond to the satisfaction of the learned Session Judge of the Nari-O-Shishu Nirjatan Daman Tribunal, Natore.

MD. MASUDUR RAHMAN
BENCH OFFICER